

BUCKEYE ELEMENTARY SCHOOL DISTRICT #33

210 South Sixth Street
(623) 386-4487

Buckeye, Arizona 85326
FAX (623) 386-6063

September 20, 2004

Request for Review
Federal Communications Commission
Office of the Secretary
445-12th Street, SW
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

RECEIVED & INSPECTED

OCT 4 - 2004

FCC - MAILROOM

Dear Sir or Madam:

Please let this letter serve as our request for review of the SLD Administrator's Decision on Appeal – Funding Year 2004-2005 dated July 29, 2004.

CC Docket No. 02-6

Billed Entity Number: 142981

Billed Entity Name: Buckeye Elementary School

Form 471 Application Number: 400357

Funding Request Numbers: 1094780, 1094783, 1094878, 1094793, 1094797, 1094800, 1094802, 1094805, 1094808, 1094810, 1094811, 1094814, 1094817, 1094821, 1094824, 1094827, 1094830, 1094837, 1094841, 1094853, 1094864, 1094868

Funding Notification states:

This letter is your notification that the Certification page of the FCC form 471, Services ordered and Certified Form you submitted did not meet the minimum processing standards – *The signature in Block 6, item 34 of the form 471 submitted is blank.*

On January 14, 2004 I filed Form 471 electronically and during the certification process the SLD site lost host communications twice. Afterwards, I was able to print the form 471, but this being the first time I filed for the district, assumed the process was complete when I went back online to check the status of the application and it showed "complete."

The District had filed the 471 paper work weeks before the deadline, and had I received a call or fax from the SLD prior to the Feb 4th deadline and the date of their letter (Feb. 5, 2004), this omission could have been corrected.

Enclosed please find a copy of the SLD Administrator's Decision on Appeal – Funding Year 2004-2005; SLD Certification Rejection Letter; and a signed copy of Block 6.

Sincerely,



Rebecca Williams
Buckeye Elementary School District
210 S. 6th Street
Buckeye, AZ 85326
Phone- 623-386-4487 ext 110
Fax – 623-386-6063
Email: bwilliams@besd.k12.az.us

Noted Copies rec'd
List ABOVE

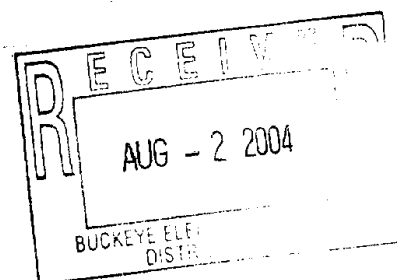


Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2004-2005

July 29, 2004

Rebecca Williams
Buckeye Elementary School District
210 South Sixth Street
Buckeye, AZ 85326



Re: Billed Entity Number: 142981
471 Application Number: 400357
Funding Request Number(s): 1094780, 1094783, 1094787, 1094793,
1094797, 1094800, 1094802, 1094805,
1094808, 1094810, 1094811, 1094814,
1094817, 1094821, 1094824, 1094827,
1094830, 1094837, 1094841, 1094853,
1094864, 1094868

Your Correspondence Dated: March 3, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision regarding your appeal of the SLD's Funding Year 2004 Form 471 Certification Rejection Letter for the application number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one application number, please note that for each application an appeal is submitted, a separate letter is sent.

Funding Request Number(s): 1094780, 1094783, 1094787, 1094793, 1094797,
1094800, 1094802, 1094805, 1094808, 1094810,
1094811, 1094814, 1094817, 1094821, 1094824,
1094827, 1094830, 1094837, 1094841, 1094853,
1094864, 1094868

Decision on Appeal: **Denied in full**

Explanation:

- On appeal, you seek reversal of the SLD's decision to deny the funding request for failure to sign the Form 471, Block 6 Certification and Signature page. In support of your appeal, you state that you filed the 471 online on January 14, 2004 and that during the certification process, the SLD web site lost host communications twice. You also state that you were able to print out the Form 471, and assumed that the

process was completed since the electronic application showed a "complete" status. The paperwork was filed weeks before the deadline, had you received notification prior to the deadline, the omission could have been corrected.

- Upon thorough review of the appeal letter, it is determined that the Block 6 Certification and Signature page, postmarked on January 20, 2004, was submitted without a signature. While your certification was received within the Funding Year 2004 window, it was not signed; therefore, it was properly rejected. The Form 471 Certification Rejection Letter was dated February 5, 2004. On March 1, 2004, you sent a corrected Block 6 certification page. However, in order to receive consideration within the Funding Year 2004 window, program rules require that completed Forms 471 and Form 471 Certifications must be received by the SLD or postmarked no later than February 4, 2004. Further, it is the responsibility of the applicant to ensure that all forms are correct and submitted to SLD in a timely manner.
- Consistent with the FCC Decision on South Barber Unified School District, the signature certification is fundamental to the administration of the program. SLD relies on the signature certification to establish the authority of the signer to represent the applicant. Signature certifications ultimately satisfy the program's policy objective of binding the applicants and service providers to the program requirements. Failing to submit a signature certification omits the legally binding act that signifies compliance with program rules.¹
- On March 1, 2004 you sent a corrected Block 6 certification page. In your letter you acknowledge that the original form was sent without a signature and request that the correction be accepted and the application considered to be timely filed. As referenced in the South Barber decision, the purpose of a filing window is to put all applicants who file within the window on equal footing.² Allowing applicants to correct their applications and resubmit them after the window has closed would eliminate any incentive to comply with SLD's document demands in a timely fashion, and could jeopardize SLD's ability to accurately apply the rules of priority in years where requests for funding exceed the annual funding cap.³ Therefore, your appeal is denied in full and your application will not be data entered.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission ("FCC"). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be

¹ *Request for Review of the Decision of the Universal Service Administrator by South Barber Unified School District 255, Changes to the Board of Directors of the National Exchange Carriers Association, Inc.*, File No. SLD-158897, CC Dockets No. 96-45- and 97-21, Order, DA 01-2233 (Com. Car. Bur. Rel. Oct. 23, 2001).

² *Id.*

³ *Id.*

found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company



Universal Service Administrative Company
Schools & Libraries Division

FORM 471 CERTIFICATION REJECTION LETTER
FUND YEAR 2004 (July 1, 2004 - June 30, 2005)

February 5, 2004

REBECCA WILLIAMS
BUCKEYE SCHOOL DISTRICT 33
210 S 6TH STREET
BUCKEYE, AZ 85326

Re: Applicant's Form Identifier: 011604-RBW
Form 471 Application Number: 400357

Dear REBECCA WILLIAMS:

This letter is your notification that the Certification page of the FCC Form 471, *Services Ordered and Certification Form*, you submitted did not meet Minimum Processing Standards. Therefore we are returning your Form 471 Certification with this letter, which means that the Schools and Libraries Division (SLD) could not process it. Here is an explanation of the specific reason(s) your Form 471 Certification did not meet the Minimum Processing Standards:

- The Signature in Block 6, Item 34, of the Form 471 Certification submitted is blank.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Funding Commitment Decision(s) you are appealing. Indicate the relevant funding year and the date of the FCDL. Your letter of appeal must also include the Billed Entity Name, the Form 471 Application Number, and the Billed Entity Number from the top of your letter.
3. When explaining your appeal, copy the language or text from this letter that is at the heart of your appeal to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point,

and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.

4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of the electronic filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division

Universal Service Administrative Company

Enclosure:

(1) Form 471 Certification

HOME CANCEL HELP

FCC Form 471

Services Ordered and Certification Form



Applicant's Form Identifier: 011604-rbw

Entity Number: 142981

Contact Person: Rebecca Williams

Phone Number: (623) 386-4487 Ext. 112

Block 6: Certifications and Signature

 ERATE-189731	 FY 07	71C 01-22-04 1400002 NEC71001-22-0401400002
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471 Application Number: 400357

24. The entities listed in Block 4 of this application are eligible for support because they are: (check one or both)

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school including, but not limited to, elementary and secondary schools, colleges and universities

25. The eligible schools and libraries listed in Block 4 of this application have secured access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to make effective use of the services purchased as well as to pay the discounted charges for eligible services.

26. All of the schools and libraries or library consortia listed in Block 4 of this application are covered by:

- a. ☐ an individual technology plan for using the services requested in this application; and/or
- b. ☒ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local and long distance telephone service only.

27. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. ☒ technology plan(s) has/have been approved; and/or
- b. ☐ technology plan(s) will be approved by a state or other authorized body; or
- c. ☐ no technology plan needed; applying for basic local and long distance telephone service only.

28. I certify that the entities eligible for support that I am representing have complied with all applicable state and local laws regarding procurement of services for which support is being sought.

29. I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

30. I certify that the entity(ies) I represent has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments.

31. I understand that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service receive an appropriate share of benefits from those services.